IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Crl.Rev.Pet.No. 2658 of 2007()

CRA.337/2005 of ADDL. SESSIONS COURT, VADAKARA
CC.206/2003 of JUDL.MAGISTRATE OF FIRST CLASS, PERAMBRA

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REVN. PETITIONER: REVISION PETITIONER/APPELLANT/ACCUSED

SREEJITH, S/O SREEDHARAN,
AGED 28 YEARS, MANIKKATHEKANDY HOUSE,
KAIPRAM KUNNU, ERAVATTOOR AMSOM,
KOYILANDY TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.
REPRESENTING STATION HOUSE OFFICER,
PERAMBRA, KOZHIKODE DISTRICT.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 2658 OF 2007

Dated this the 16th day of July, 2007

O R D E R

The revision petitioner, who was the accused in C.C.No.206/2003 on the file of the JFCM-I, Perambra, challenges the conviction entered and the sentence passed concurrently by the courts below for offences punishable under sections 279 and 337 IPC.

2. Eventhough the learned counsel for the revision petitioner assailed the findings recorded by the courts below, those findings have been entered after a careful appreciation of the oral and documentary evidence and this court, sitting in the rarefied revisional jurisdiction, will be loathe to interfere with those findings. I, therefore, do not find any good ground to interfere with the conviction recorded against the revision petitioner.

3. What now survives for consideration is the question of adequacy or otherwise of the sentence imposed on the revision petitioner. The courts below have sentenced him to undergo rigorous imprisonment for three months for each of the aforesaid offences. It is to be noted that the courts below have been insensitive to the need to compensate the victims of the crime notwithstanding the mandate of the Apex court in ***Hari Krishnan and State of Haryana Vs. Sukhbir Singh***

and others[AIR 1988 SC 2127] and subsequent decisions. On the facts and circumstances of the case, I am of the view that penal servitude by way of incarceration is not called for and that imprisonment till the rising of the court and an appropriate order for compensation will meet the ends of justice. The revision petitioner was on the ill fated day driving a jeep which dashed against an autorikshaw causing injury to PWs 1 to 9 of whom PWs 1 to 4 supported the prosecution and PWs 5 to 9 turned hostile to the prosecution. Considering the entire aspects of the matter the sentence imposed on the revision petitioner is set aside and he is directed to suffer imprisonment till the rising of the court for each of the offences and to pay a sum of Rs.2,000/-(Rupees two thousand only) each to PWs 1 to 4 and Rs.1,000/-(Rupees one thousand only) each to PWs 5 to 9 by way of compensation under section 357(3) Cr.P.C. within two months from today. If the compensation is not paid within the time limit specified, the revision petitioner shall undergo simple imprisonment for three months for each of the offences by way of default sentence. The substantive sentence imposed shall run concurrently.

This revision is disposed of as above.

(V. RAMKUMAR, JUDGE)

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